



# MEMORANDUM

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DATE: December 1, 2015  
For December 17, 2015 Hearing

TO: Linus Kafka  
Zoning Examiner

FROM: Jim Mazzocco, Interim Director  
Planning & Development Services

SUBJECT: SPECIAL EXCEPTION LAND USE  
PLANNING & AND DEVELOPMENT SERVICES REPORT  
SE-15-79 Verizon – W. Speedway Boulevard, C-1 (Ward 1)

**Issue** – This is a request by Michael Rankert of Tectonic Engineering, on behalf of Verizon Wireless, for approval of a wireless communication facility (WCF). The special exception site is located on the north side of Speedway Boulevard approximately 225 feet east of Riverview Boulevard (see Case Location Map). The preliminary development plan (PDP) proposes a tower with twelve antenna panels concealed within an artificial pine tree (monopine), 65 feet in height. The facility will be placed within an approximately 1,225 square foot lease along the east edge of the 0.22 acre parcel, which is currently vacant. The proposed ground equipment, including a backup diesel generator, will be located within an area screened by an eight (8) foot high masonry screen wall with a gated entrance along the north side of the compound. A twenty-foot wide access/utility easement for the WCF site will be provided from Speedway Boulevard.

A communications use of this type in the C-1 zone is subject to Sections 4.9.13.O and 4.9.4.I.2, .3, and .7 of the *Unified Development Code (UDC)* and requires approval through a Mayor & Council Special Exception Procedure, Sec. 3.4.4, because the tower height exceeds 50 feet and the tower is not set back at least two times its height from office zoned property located immediately north of the WCF. Documentation provided by the applicant indicates that no practical alternative exists, and measures are being taken to conceal or disguise the tower and antenna panels from view.

The Mayor & Council Special Exception Procedure requires a public hearing before the Zoning Examiner after which the Zoning Examiner forwards a recommendation to the Mayor and Council for a decision to grant the request with, or without, conditions or to deny the request. The Mayor and Council may also forward the request to the Design Review Board (DRB) for design review and recommendation.

**Planning & Development Services Department Recommendation** – The Planning & Development Services Department recommends approval of the special exception request, subject to the attached preliminary conditions.

### **Background Information**

Existing Land Use: The site is currently undeveloped.

#### Zoning Descriptions:

C-1: This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and other related uses are permitted.

#### Surrounding Zones and Land Uses:

North: Zoned R-2; Residential duplexes and single family homes

South: Zoned R-2 and O-3; Single-family residential, duplexes, and undeveloped lots

East: Zoned C-1; Retail

West: Zoned R-2; Undeveloped land

Previous Cases on the Property: None

#### Related Cases:

SE-15-11 Verizon – Swan Road, C-1 Zone – This was a request for approval of a wireless communication facility concealed within an artificial pine tree (monopine), 60 feet in height and associated equipment as a special exception land use. The special exception site is located approximately 300 feet south of Camp Lowell Road and 150 feet west of Swan Road. On September 9, 2015, the Mayor and Council adopted Ordinance No. 11301, allowing the special exception.

SE-13-22 AT&T– Fort Lowell Road, C-1 Zone – This was a request for approval of a wireless communication facility concealed within an artificial palm tree (monopalm), 65 feet in height and associated equipment as a special exception land use. The special exception site is located 180 feet south of Fort Lowell Road and 610 feet west of Campbell Avenue. On July 9, 2013, the Mayor and Council adopted Ordinance No. 11092, allowing the special exception.

**Applicant's Request** – The applicant requests special exception approval for the placement of a 65-foot high cellular communications monopole disguised as a pine tree with associated equipment on an undeveloped parcel.

### **Planning Considerations**

The *Santa Cruz Area Plan* and the *Plan Tucson* both provide land use guidance for this site. The *Santa Cruz Area Plan* supports new development that is compatible with existing neighborhoods in the area. The Plans support buffering and screening techniques that help ensure compatibility, minimize visual impacts and preserve views.

*Plan Tucson* identifies this area in the Future Growth Scenario Map as an “existing neighborhood”. Existing neighborhoods are characterized as largely built-out residential and commercial districts in which minimal new development or redevelopment is expected in the next few decades. The goal is to maintain the character of these neighborhoods while accommodating some new development and encouraging reinvestment, services, and amenities that contribute to further neighborhood stability. *Plan Tucson* supports existing neighborhoods and commercial districts while encouraging new services and amenities that contribute further to neighborhood stability. LT28.1.3 states that telecommunication facilities are to be designed with improved appearances of above ground structures and utilities throughout the city.

The project is in general compliance with the intent of these plans. The plan policies generally support new cell tower proposals when designed to minimize visual impacts on surrounding neighborhoods and when buffering is provided. The monopine design will conceal the new tower and antenna structures. Ground equipment will be placed within the lease area and will be screened from view by an 8-foot high masonry wall.

Immediately adjacent to the east of the site is an existing retail liquor store. Farther to the east across Yucca Road and on the north side of Speedway Boulevard is a parking lot for the Arizona School for the Deaf and Blind. The parcel immediately to the west is vacant land, zoned R-2. Parcels to the north and west are developed with single-family and multi-family residential land uses in the R-2 residential zone. Parcels to the south across Speedway Boulevard are single-family residential uses in the O-3 and R-2 zones.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will not generate additional measurable vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

### **Design Considerations**

Land Use Compatibility – The proposed monopine will include four antennas per sector with three sectors for a total of twelve antennas. The applicant has submitted a photo-simulation of the monopine showing the antennas concealed by the artificial branches and needles. The monopine will be set back from Speedway Boulevard by approximately 75 feet. The nearest residential unit is located immediately to the north, approximately 60 feet from the WCF site, in R-2 zoning. The proposed monopine will be visible from the surrounding residential neighborhoods, commercial development, as well as from the adjacent streets.

The existing site has minimal landscaping and screening from adjacent residential uses and from Speedway Boulevard. The submitted landscape plan depicts screening to help mitigate height and soften the views of the WCF from adjacent land uses. Shrubs and live pine trees are proposed to be planted around the lease area. The PDP does not identify the type of pine trees to be planted or specify that irrigation will be provided. Staff recommends that a minimum of six Afghan Pine trees be planted; two on the north, two on the south and two on the west side of the

lease area. This will allow sufficient space between each tree to grow to a mature height between thirty (30) and fifty (50) feet. The trees shall also be included in the irrigation plan.

The monopine should include faux-bark cladding to further disguise the WCF. In addition, antennas should be painted to complement the natural range of colors on surrounding trees, to mitigate and minimize visual impacts. Staff recommends the proposed WCF should be designed to support future collocation, with antennas mounted close to the pole and concealed by the monopine stealth design.

The applicant proposes to place the ground equipment just northwest of the monopine within the 1,225 square foot lease area. Ground equipment will be housed inside an equipment cabinet located next to a diesel generator, both to be located on a concrete slab. A proposed 8-foot high CMU wall will help mitigate noise from the back-up generator as well as the equipment's visual impact on the surrounding areas. Staff recommends the masonry wall be textured and painted in a neutral desert color.

In terms of wireless communication facilities, a stealth application is one that disguises the appearance of the pole and antennas to look like an element of the built or natural landscape, typically observed at the chosen location. A stealth application should be as close as possible in scale and appearance to the object it is disguised as, with no obvious unnatural elements. The success of a stealth application is dependent on the ability of the design and construction of the cellular site to fit into its surroundings to such a degree that it is not noticeable. Scale and proportion, site design, color, and materials, are particularly important in stealth applications insofar as they contribute, or do not contribute, to the ability of the facility to be as unobtrusive as possible. To ensure a successful stealth monopine at this location, the following standards are recommended:

- The monopine shall not exceed 65 feet in height at the highest point;
- The monopine shall include branches and needles;
- The monopine trunk shall be covered with cladding (faux bark) wherever the pole is visible, and the trunk shall be painted to resemble a live pine;
- Replacement of lost/damaged branches and needles to be completed within ten working days of observation and branches and needles shall be colored to match live pines as closely as possible;
- Monopine branches shall start at 15 feet above grade elevation;
- All cables shall be run inside the pole, with no foot pegs or other visible appurtenances;
- All wire ports shall be concealed behind the antennas and equipment on the monopine shall be mounted behind the antenna panels;
- Six (6) live 24-inch box Afghan pine trees, (to grow 45 feet or more in height) shall be planted (2 each to the north, south and west of the WCF). Trees shall be added to the onsite permanent irrigation system and be maintained as part of the overall landscaping. If trees become damaged, diseased or die, they are to be replaced within 30 days of observation. Replacement shall be the responsibility of the wireless provider;

- Ground equipment to be located within lease area and housed within a walk-in shelter screened by an 8-foot masonry (CMU) wall. CMU wall shall be textured and designed to match other nearby CMU walls;
- Maximum antenna size is ninety-nine (99) inches in length, eighteen (18) inches in width, and eight (8) inches in depth;
- Antenna arrays shall have no more than 12 antennas (3 sectors with 4 antennas per sector);
- Antennas shall be camouflaged with faux pine needle socks to match needle density and color of monopine.

Road Improvements/Vehicular Access/Circulation – Vehicular access to the wireless communications facility is from Speedway Boulevard through an existing curb cut. According to the *Major Streets and Routes Plan*, Speedway Boulevard is designated as an arterial street with a future right-of-way width of 120 feet.

**Use-Specific Standards** – The applicant's proposal requires approval as a Mayor and Council Special Exception and must meet the Use-Specific Standards of *UDC* Sections 4.9.13.O and 4.9.4.I.2, .3, and .7. The Mayor and Council may forward the request to the Design Review Board for design review and recommendation. Below is the applicant's analysis of the performance criteria.

#### 4.9.4.I.

- .7 The following requires approval as a special exception in accordance with Section 3.4.4, *Mayor and Council Special Exception Procedure*. The Mayor and Council may forward the Design Review Board (DRB) for design review and recommendation.

a. Wireless communication antennas, provided:

- (1) The tower or antennas are not permitted by other provisions of this Section.

*The 65-foot top of monopine in the C-1 zone does not conform to other sections of the code because it is not 50 feet or less in height and does not meet the setback of two times its height to adjacent R-2 zoned property to the north and west.*

- (2) New towers require a minimum separation of one mile from any existing tower, regardless of ownership, unless documentation establishes that no practical alternative exists.

*The nearest existing wireless communications facility (WCF) is a monopalm for another wireless provider, and is located 0.60 miles south-southwest of the site. The search ring to resolve the Verizon coverage gap has a radius of approximately 0.25 miles.*

- (3) All appropriate measures shall be taken to conceal or disguise the tower and antenna from external view.

*The tower has been designed as a monopine and the tower and antennas will be disguised within the artificial branches and pine needles.*

- (4) All appropriate measures shall be taken to reduce the negative proliferation of visible towers and antennae by the collocation of new antennae on existing towers or with the facilities of other providers which are located or planned for development within the proposed service area.

*The nearest existing WCF is approximately 3,200 feet south-southwest of the site. This tower was not suitable to fit within the existing sites on Verizon's network. The search ring to resolve the coverage gap has a radius of approximately 0.25 miles.*

- (5) Notice shall be provided to all agents designated at least 15 days prior to the date of the public hearing before the Zoning Examiner.

*All policies of the Mayor and Council Special Exception Process shall be followed accordingly.*

Staff finds the proposal to be in compliance with the UDC Use-Specific Standards.

**Conclusion** – The proposed special exception use is consistent with the policy direction in the *Santa Cruz Area Plan* and *Plan Tucson*, which support development designed to be compatible with and sensitive to surrounding land uses. The proposed wireless facility has been designed to be camouflaged and blend in with the surroundings, and does not conflict with plan policies. Subject to compliance with the attached preliminary conditions, approval of the requested special exception is appropriate.



### PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan dated October 26, 2015, is to be submitted and approved in accordance with *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.
6. A copy of the Special Exception decision letter shall be included with the site plan at the time of permit application submittal.

### LAND USE COMPATABILITY / CONCEALMENT MEASURES

7. The wireless communication monopole, including attachments such as antenna panels and pine branches/needles, shall not exceed sixty-five (65) feet in height from grade elevation.
8. A maximum of twelve (12) antenna panels shall be installed and shall be covered with faux pine needle socks of a needle density and color to blend and minimize visual impacts.
9. Monopole branches shall start at 15 feet above grade elevation and the monopole shall include a sufficient number of artificial branches and needles to adequately conceal the antennas and appurtenances.
10. The pole shall be covered with cladding (faux bark) wherever the pole is visible, and be painted to resemble a live pine tree.

11. Replacement of lost/damaged artificial branches/needles is to be completed within ten (10) working days of observation and artificial branches/needles shall be colored to match live branches/needles as closely as possible.
12. All wire ports shall be concealed behind the antennas and all equipment shall be mounted behind the antenna panels.
13. Ground equipment is to be located within lease area as depicted on the preliminary development plan dated October 26, 2015, and is to be screened by 8-foot masonry wall textured and painted in neutral desert color.
14. Panel antenna dimensions shall not exceed ninety-nine (99) inches in length, eighteen (18) inches in width, and eight (8) inches in depth.
15. All walls visible from a public right-of-way and/or adjacent to existing residential development shall be graffiti-resistant.
16. Six-(6) inch wide fence block or greater shall be used for perimeter walls. Graffiti shall be removed from walls within seventy-two (72) hours of discovery or notification.
17. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, or other unnatural appearing features on the monopine.
18. Applicant shall plant a minimum of six 'live' Afghan Pine trees, 24-inch box (to grow to 30 feet or more in height). Two on the north, two on the south, and two on the west side of the lease area. Trees shall be added to the onsite permanent irrigation system and to be maintained as part of the overall landscape. If trees become damaged, diseased or die, then trees are to be replaced within 30 days of observation, and replacement will be the responsibility of the wireless communication company.
19. Installation of a backup generator requires evidence of compliance with the Tucson City Code, Section 16-31 Excessive Noise. The generator may be tested for up to 45 minutes per week, between the hours of 8:00 AM and 6:00 PM. Finish color and texture of all painted surfaces shall match existing surfaces of adjacent equipment enclosure. The generator shall include a fuel catchment feature designed to contain at least 210 gallons of fuel in the event of a leak.
20. Plans for future carriers must be approved through the special exception process.



AGREEMENT TO WAIVE ANY CLAIMS  
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ( "**Agreement**") is entered into between \_\_\_\_\_, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at \_\_\_\_\_, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case \_\_\_\_\_ and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case \_\_\_\_\_.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner: \_\_\_\_\_  
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner: \_\_\_\_\_  
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: \_\_\_\_\_  
(Signature of Owner or Authorized Representative, if applicable)

By: \_\_\_\_\_  
(Signature of Owner or Authorized Representative, if applicable)

Its: \_\_\_\_\_  
(Title of Individual Signing in Representative Capacity)

Its: \_\_\_\_\_  
(Title of Individual Signing in Representative Capacity)

State of Arizona )  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

\_\_\_\_\_  
Notary Public

My Commission expires:

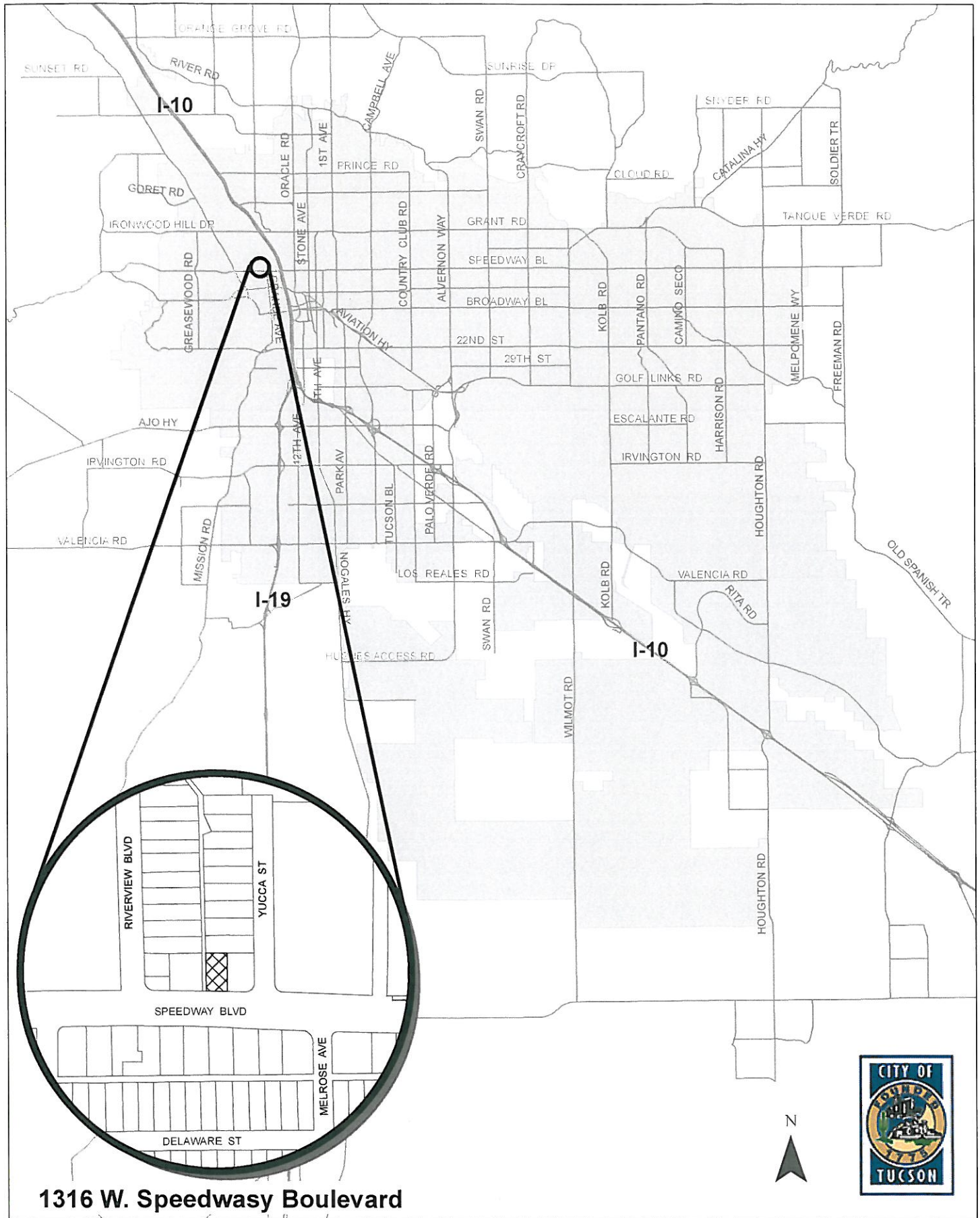
\_\_\_\_\_

City of Tucson, an Arizona municipal Corporation:

By: \_\_\_\_\_  
Planning & Development Services Department

This form has been approved by the City Attorney.

# SE-15-79 Verizon - W. Speedway Boulevard

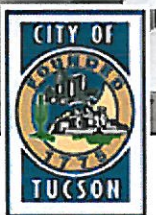






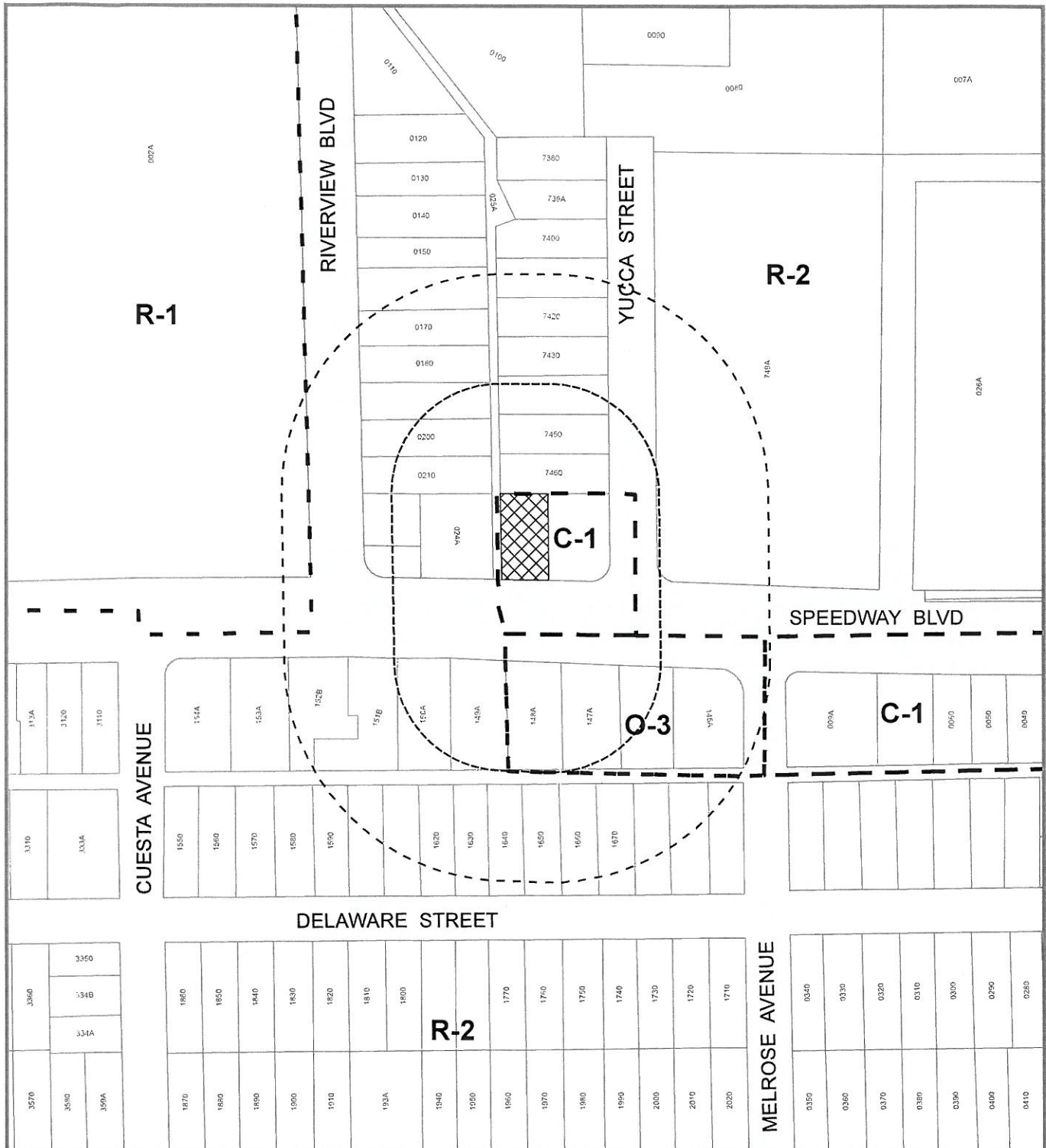
**SE-15-79 Verizon - W. Speedway Boulevard**  
2014 Aerial

0 25 50 100  
Feet  
1 inch = 100 feet





# SE-15-79 Verizon - W. Speedway Boulevard M. & C. Special Exception



Area of Special Exception Request



150' Protest Area

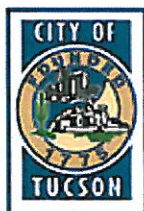


300' Notification Area



Zone Boundaries

**C-1** Zoning of Requested Area



Address: 1316 W. Speedway Boulevard

Base Maps: Sec.2 T.14 R.13

Ward: 1

created by: JR, 10/19/2015

0 100 200  
Feet  
1 inch = 200 feet



**PUBLIC FACILITIES AND SERVICES REPORT FOR DECEMBER 17, 2015**  
(as of November 23, 2015)

**SE-15-79 Verizon – W. Speedway Boulevard, C-1 Zone**

**CITY AGENCIES**

**Planning & Development Services – Zoning Review:** See attached comments dated 11/4/15.

**Planning & Development Services – Engineering:** See attached comments dated 11/10/15.

**Planning & Development Services – Sign Code** See attached comments dated 11/12/15.

**Planning & Development Services – Community Planning:** See attached comments dated 11/12/15.

**Planning & Development Services – Landscape:** See attached comments dated 11/16/15.

**No Objections Noted**

**Office of Conservation & Sustainable Development**

**Transportation – Engineering**

**Transportation – Traffic Engineering**

**Tucson Fire Department**

**Community Services – Historic Preservation Officer**

**Environmental Services**

**Tucson Parks and Recreation**

**Tucson Police Department**

**NON-CITY AGENCIES**

**PAG-TPD:** Estimated traffic generation of proposed development: Zero vehicle trips per month.

**No Objections Noted**

**Tucson Unified School District**

**Pima County Wastewater**

**Arizona Department of Transportation**

**Pima County Transportation and Flood Control**

**Pima County Parks and Recreation**

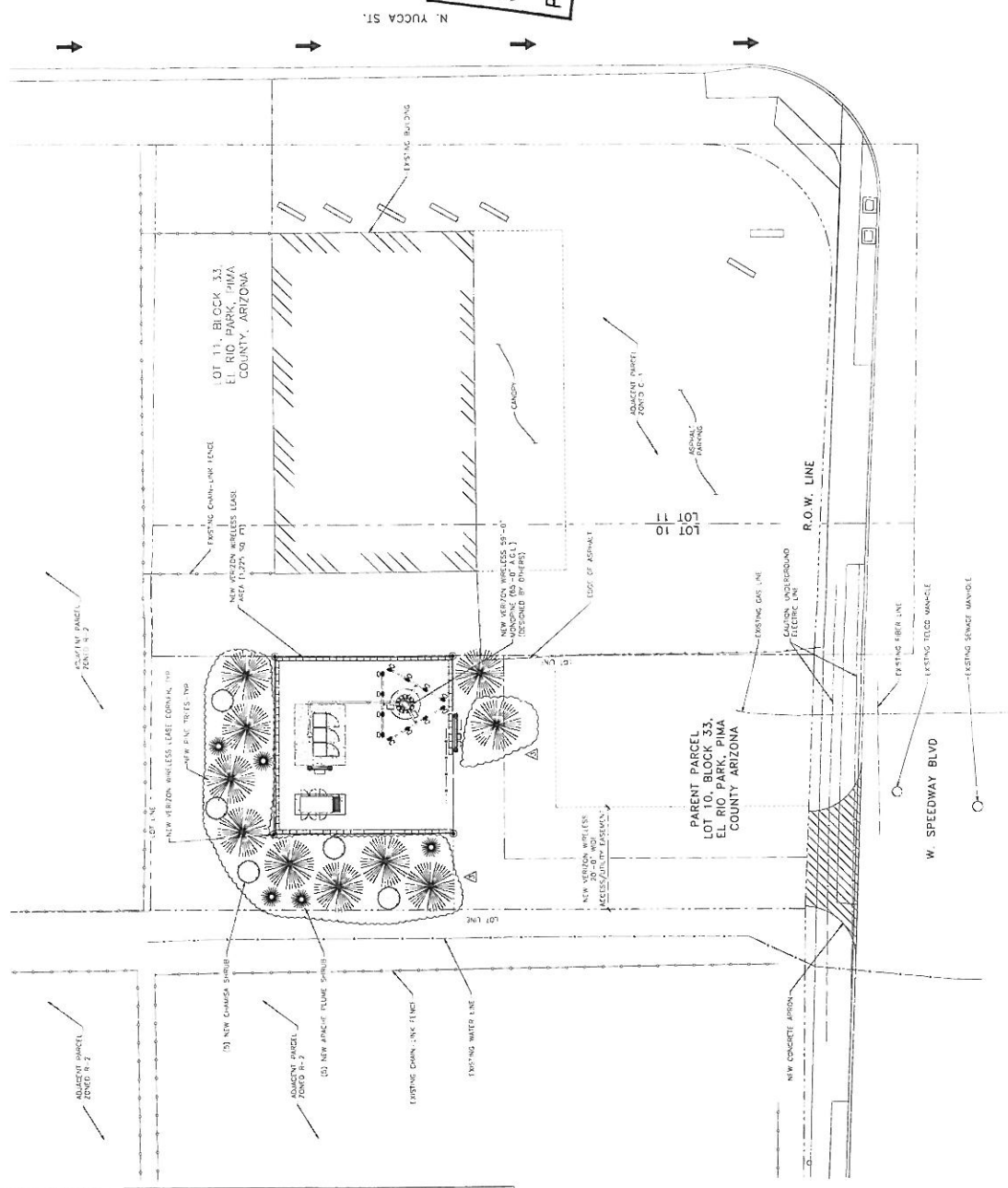
**Davis-Monthan Air Force Base**

**Tucson Electric Power**

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, December 2, 2015 at  
[http://cms3.tucsonaz.gov/planning/prog\\_proj/projects/rezoning/index.html](http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html)



A detailed site plan showing the proposed building layout and parking area. The building is a rectangular structure with a central entrance and two side entrances. The parking area is located to the left of the building. The plan includes dimensions for the building and parking area, and labels for various features such as 'ENTRANCE', 'PARKING', and 'LANDSCAPE'.



Special Exempt  
Preliminary Developments  
S.E. - 15-79 Date 10/26/75  
Planning & Development  
as

THESE DRAWINGS AND SURVEYS ARE COPYRIGHT PROTECTED BY TOWERCOM TECHNOLOGIES, LLC AND PRODUCED FOR THE USE OF OUR CLIENT AND ANY REPRODUCTION OR USE OF THE INFORMATION CONTAINED WITHIN SAID DOCUMENTS IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF TOWERCOM TECHNOLOGIES, LLC



**TowerCom**  
TECHNOLOGIES

PROJEC<sup>T</sup> NAME

1310 W SPEEDWAY BLVD  
RAW LAND COMMUNICATION SITE  
(OVERALL HEIGHT: 65'-0" A.G.L.)  
PROJECT #2008-15

TUCSON, AZ 85745  
PIMA COUNTY

REV	DESCRIPTION	DATE	BY	CHK
1	APPROVED FOR LEASING & ZONING	06/17/19	RT	-

	SHEET NAME:	Z1
	DATE DWT:	12/23/2015 9:02 AM
2	RE-USED DRIVING COMPONENTS TO SHEET	07/27/15 2PM -
3	REMOVE PER PROFESSIONAL COMMENTS	07/27/15 2PM -

**SITE PLAN**

NORTH

0 10 20

SCALE 1" = 10'-0"



## Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning & Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

**Approvals and protests must have an owner's signature to be recorded.**

Case **SE -15-79 Verizon – W. Speedway, C-1 Zoning, Ward # 1**

\_\_\_\_\_  
I/We the undersigned property owners, wish to

- ☐ APPROVE the proposed rezoning.  
☐ PROTEST the proposed rezoning.

**Reason:**

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PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: \_\_\_\_\_ Date \_\_\_\_\_

Place  
Stamp  
Here

City of Tucson  
Planning & Development Services  
201 N. Stone  
P.O. Box 27210  
Tucson, Arizona 85726-7210

SE-15-79

Expose this flap - Affix stamp and return

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**City of Tucson** PMc  
Planning & Development Services  
Rezoning Section  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

SE-15-79  
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED